

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

|            |   |   |                        |
|------------|---|---|------------------------|
| Applicant  | : | Keiichi KOSHIBA   | Group Art Unit: 2424   |
| Appln. No. | : | 09/610,107  | Examiner: A. Q. Shang  |
| Filed      | : | July 5, 2000  | Confirmation No.: 4696 |
| For        | : | DATA MANAGEMENT METHOD AND SYSTEM, AND APPARATUS USED THEREIN |                        |

## PRE-APPEAL BRIEF REQUEST FOR REVIEW

Commissioner for Patents  
U.S. Patent and Trademark Office  
Customer Service Window, Mail Stop AF  
Randolph Building  
401 Dulany Street  
Alexandria VA 22314

Sir:

In response to the Final Office Action dated October 24, 2008, a shortened three-month statutory period for response having been set to expire on January 24, 2009, Applicants respectfully request a Pre-Appeal Brief Panel to review and withdraw the rejection set forth in the outstanding Final Office Action.

## REMARKS

In the outstanding Final Office Action, claims 50-51, 54-75 and 84-89 were rejected under 35 U.S.C. §102(e) as anticipated by FERRIS et al. (U.S. Patent Application Publication No. 2006/0288374) or, in the alternative, under 35 U.S.C. §103(a) as obvious over FERRIS.

Claim 50 is directed to a data management method by which a plurality of **information units** are provided. Each information unit is a part of a **broadcast program** and carries information representing one of various items in the broadcast program. An information manager receives an **information recipient verification data** that identifies an information

recipient and **identifying data** particular to and distinctly identifying an information unit selected by the information recipient. The identifying data is stored in a database in association with the information recipient verification data when the information manager receives the identifying data and information recipient verification data. The identifying data is linked in the database to **reference data** associated with and defining features of the information unit selected by the information recipient. Upon sending the information recipient verification data from the second communications device to the information manager, the database enables access from the second communications device to the identifying data associated to the information recipient verification data, and in turn, to the reference data linked to the identifying data.

FERRIS does not disclose or render obvious several of the above-noted features recited in claim 50. For example, content provided by Content T/X 404 in FERRIS is cited in the Final Office Action at page 2. However, the content is a broadcast program, and not information units which are each a part of a broadcast program, as recited in claim 50. Indeed, program associated data (PAD) is disclosed in FERRIS. This program associated data (PAD), and not content provided by Content T/X 404 in FERRIS, is analogous to the information units in claim 50. However, the program associated data (PAD) in FERRIS is provided in an entirely separate communication from a broadcast program (i.e., via a radio service provider 414, and not by the Content T/X 404). Thus, there is no proper reasoning for any assertion that content in FERRIS discloses or renders obvious the information units recited in claim 50.

Additionally, FERRIS discloses program associated data unique identification (PADUID). However, similar to program associated data PAD, program associated data unique identification (PADUID) in FERRIS is transmitted by a radio service provider 415. The cellular paging system of the radio service providers 414/415 is not the system that provides the

underlying broadcast program in FERRIS, and program associated data or program associated data unique identification in FERRIS is not provided as part of the underlying broadcast program in FERRIS. For these reasons alone, claim 50 is not properly rejected under 35 U.S.C. §102 or 35 U.S.C. §103 over FERRIS.

Claim 50 also recites that reference data is associated with and defines features of an information unit selected by the information recipient. The reference data is linked in a database to identifying data that is particular to and distinctly identifies an information unit selected by the information recipient. Reference data according to the pending claims is not disclosed by results of user interaction, such as transaction histories, disclosed at page 15 in FERRIS. That is, reference data is not the same as the identifying data of an information unit. In claim 50, reference data is linked to the identifying data of an information unit which is selected by the information recipient and received by the information manager in claim 50.

In FERRIS, a home computer 419 can show a transaction history held in a database 410. As described at page 15, users of the home computer 419 can review transaction histories held in the database 410, and have access to all the facilities offered by the handset 417, but in greater detail and with full graphical support. This transaction history is not detailed further in FERRIS. The transaction histories do not disclose or render obvious the reference data in claim 50. That is, FERRIS does not disclose that the transaction history is associated with and defining of features of content provided by Content T/X 404 in FERRIS. The rejection is therefore incorrect.

Further, one of ordinary skill in the art would not interpret a transaction history as in FERRIS to be associated with and defining of features of an information unit as in claim 50. Rather, a transaction history might be understood to include transaction records for purchases of

items, but such transaction records are not disclosed and would not be expected to be associated with and defining of features of such items. In any event, page 15 of FERRIS would be understood as teaching greater detail and graphical support using a home computer 419 in comparison to a handset 417, and not as being associated with and defining of features of program associated data selected by a user of the handset 417 in FERRIS. Thus, FERRIS does not disclose or render obvious reference data as in claim 50.

Accordingly, claim 50 is allowable over FERRIS under 35 U.S.C. §102 and 35 U.S.C. §103.

Independent claim 75 recites features similar to those noted above which are not disclosed in FERRIS. For example, claim 75 recites “a plurality of information units being provided to the information recipient as part of a broadcast program by a unidirectional communication from an information provider and carrying information representing one of various items in the program”. Additionally, claim 75 recites “the identifying data being linked in the database to reference data associated with the information unit selected by the information recipient” and that the “the database enables access from the second communications device to the identifying data associated to said information recipient verification data, and in turn, to the reference data linked to the identifying data”. Independent claims 84 and 85 each recite features similar to those noted above which are not disclosed in FERRIS.

Accordingly, each of the independent claims now pending is allowable over FERRIS under 35 U.S.C. §102 and 35 U.S.C. §103.

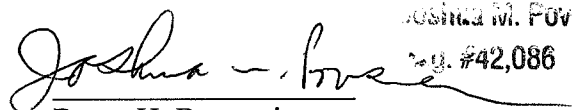
Each of the pending dependent claims is also allowable over FERRIS at least for depending, directly or indirectly, from an allowable independent claim, as well as for additional reasons related to their own recitations. For example, claims 52 and 53 distinguish the first

communications device from a remote controller, whereas the handset 417 in FERRIS is a remote controller. Additionally, dependent claims 86-89 recite features further specifying that reference data is particular to the information unit selected by the information recipient and additional to the identifying data received by the information manager, and is stored in the database in association with the identifying data independent of the selection of the information unit by the information recipient. Thus, each of dependent claims 86-89 specify that reference data is data beyond any identifying data received by the information manager, whereas a transaction history is not disclosed in FERRIS to include any data particular to the information unit but additional to the program associated data unique identification (PADUID).

For at least the reasons set forth above, reconsideration and withdrawal of each of the outstanding rejections is respectfully requested.

If there are any questions about this application, any representative of the U.S. Patent and Trademark Office is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,  
Keiichi KOSHIBA

  
Bruce H. Bernstein  
Reg. No. 29,027

Joshua M. Povner  
Reg. #42,086

January 9, 2009  
GREENBLUM & BERNSTEIN, P.L.C.  
1950 Roland Clarke Place  
Reston, VA 20191  
(703) 716-1191